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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant human rights instruments, and recalling its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 66/230 of 24 December 2011, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which is resolution 19/21 of 23 March 2012,[3]

Welcoming the report of the Secretary-General on the situation of human rights in Myanmar[4] and the facilitation by the Government of Myanmar of his visit to the country from 29 April to 1 May 2012 and the visits of his Special Adviser on Myanmar on 13 and 14 June 2012,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. II, sect. A.
[4] A/67/333.

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Welcoming also the report of the Special Rapporteur on the situation of human rights in Myanmar[5] and the access granted to him during his visit in Myanmar from 30 July to 4 August 2012,

1. *Welcomes* the positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue the path of political reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

3. *Further welcomes* the efforts by the Government of Myanmar to ensure that the parliamentary by-elections held in Myanmar on 1 April 2012 were well organized and transparent, and is encouraged by the subsequent participation of Daw Aung San Suu Kyi and the National League for Democracy, along with many other political parties, in the Parliament of Myanmar;

4. *Welcomes* the increasing space for political activity, assembly, speech and the press, including the abolition, on 20 August 2012, of direct press media censorship, and encourages the Government to fulfil its commitment to carry out comprehensive media reform, including to allow for free and independent media and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

5. *Also welcomes* the continued release of prisoners of conscience during the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in line with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar, and, further, recommends that the Government conduct a comprehensive, thorough and inclusive investigation to identify remaining prisoners of conscience;

6. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, and torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

7. *Calls upon* the Government of Myanmar to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and humanitarian law;

8. *Recommends* that the Government of Myanmar consider ratifying further international instruments in the fields of human rights, labour law, refugee law and humanitarian law;

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[5] A/67/383.

9. *Welcomes* the continuing review of legislation to assess its compatibility with international human rights law, the adoption of new laws, including on peaceful protests and labour rights, and the consultation with relevant stakeholders, including civil society and international organizations, on some of the draft laws, and encourages the Government to continue its review, including of new laws, establishing an order of priority to ensure that they are compatible with international standards, while ensuring broad consultation, and to support the implementation of reforms, including at the local level;

10. *Acknowledges with interest* the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages it to further develop its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;[6]

11. *Notes with interest* the steps taken to address the need for an independent, impartial and effective judiciary, including steps by the Supreme Court to engage with and seek technical assistance from the international community, and encourages the continuation of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

12. *Welcomes* the substantial progress made over the past year by the Government of Myanmar in signing initial peace agreements with ten of eleven major ethnic armed groups, as well as the commitment by the Government to ensure an inclusive peace process, and highlights the need for continued coordination and support from donors and partners for technical assistance, capacity-building and empowering civil society, and strongly encourages the establishment of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation;

13. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights and international humanitarian law violations, and calls upon the Government and all parties to the armed conflict to take measures to protect the civilian population and for safe, timely, full and unhindered humanitarian access;

14. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting various ethnic minorities and, expressing particular concern about the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, including their right to a nationality;

15. *Expresses its serious concern* at the latest outbreaks of violence between communities in Rakhine State, calls upon all parties to bring an immediate end to the violence, urging the Government, the police and the local gendarmerie to take all necessary actions to protect civilians without delay, notes in this regard the efforts by the Government of Myanmar to end the violence earlier this year and its stated intention to address the issue in line with international standards and urges

[6] Resolution 48/134, annex.

that expeditious steps be taken in that direction, and calls upon the Government of Myanmar:

(a) To ensure the safety of populations, release all arbitrarily detained persons, including United Nations staff, and address reports of human rights violations by some authorities;

(b) To grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and facilitate the return of individuals to their original communities, and welcomes in this regard the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine province;

(c) To support the restitution of property that was seriously damaged or destroyed and, welcoming the recent establishment of an investigative commission for the recent situation in Rakhine State, ensure a full, transparent and independent investigation of those reports, with the participation of all the affected communities, including the Rohingya, and bring to justice those responsible;

(d) To resolve the issue by adopting short- and long-term measures, taking into account a policy of integration, reconciliation and peaceful coexistence between all communities in Rakhine State;

16. *Welcomes* the action plan on child soldiers signed by the Government of Myanmar on 27 June 2012 with the United Nations to prevent the recruitment and use of children by the armed forces of Myanmar and providing a time-bound plan for the release and reintegration of children within its ranks, and calls upon the Government to take immediate steps towards ending the recruitment and use of child soldiers by all parties in full collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, and to grant unhindered access to all areas where children are recruited;

17. *Also welcomes* the agreement between the Government of Myanmar and the International Labour Organization on a joint strategy and the stated intent of the Government of Myanmar to eliminate all forms of forced labour by 2015;

18. *Further welcomes* the progress made in the development of some activities by the International Committee of the Red Cross, and urges the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to detained persons and to areas of internal armed conflict;

19. *Welcomes* the dialogue between the Government of Myanmar and the Office of the United Nations High Commissioner for Human Rights, and urges the Government to intensify its cooperation with the Office with a view to continuing and consolidating human rights reform in Myanmar;

20. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development;

21. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national

reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

(b) To give all assistance necessary to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

22. *Decides* to remain seized of the matter on the basis of the reports of the Secretary-General and the Special Rapporteur.